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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,428	03/19/2001	Magnus Hook	P06668US03/BAS	6490

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EXAMINER	
BASKAR, PADMAVATHI	
ART UNIT	**PAPER NUMBER**
1645	15

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/810,428	HOOK ET AL.	
	Examiner	Art Unit	
	Padmavathi v Baskar	1645	

-- The MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) *15-22,24,25,27 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,23,26,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-30* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Respons to Am ndm nt

1. The amendment filed on 3/17/03 (Paper # 14) has been entered into the record. Claims 1 and 23 have been amended. Claims 31 and 32 are canceled. Claims 1-14, 23, 26, 29, and 30 are under examination.

2. The text of Title 35 of the U.S. Code not reiterated herein can be found in the previous office action.

Rejections Withdrawn

3. In view of amendment to the claims 1 and 23, the Examiner has withdrawn the rejection under 35 U.S.C. 112 second paragraph.

Rejections Maintained

The Examiner is responding to applicant's arguments over obviousness-type double patenting over Application No. 09/813,820 (Para # 4), U.S.Patent 6,288,214 (Para # 5) and under 35 U.S.C. 103(a) as being obvious over U.S.Patent 6,288,214(Para # 6) together since applicant's arguments to the rejections are together in paper # 14.

4. The rejection of claims 1-14, 23, 26 and 29-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 09/813,820 is maintained as set forth in the previous Office action.

Claims 1-14, 23, 26 and 29-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 09/813,820. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims of the instant application and those of copending Application No. 09/813,820 are drawn to antibodies that bind to collagen binding protein and prevent S.aureus infection. Monoclonal and polyclonal antibodies to SEQ.ID.NO: 4 of the copending application bind to amino acids 61-343 of the full length CNA protein and therefore it is obvious that these antibodies bind to CNA 19 peptide of the present application that contains amino acids 151-318 of the full length CNA protein and is within the collagen binding region. Further, the antibodies of the copending application are monoclonal and polyclonal antibodies and are used as pharmaceutical composition to treat S.aureus infection. Therefore, antibodies that bind to CNA 19 peptide read on the antibodies of co-pending

application. Antibodies that bind to collagen binding region, amino acid 61-343 would also bind to a smaller CNA 19 peptide that contains amino acids 151-318. The co-pending application teaches monoclonal and polyclonal antibodies to SEQ.ID.NO: 4 inhibit the bacterial adhesion to collagen and thereby preventing S.aureus infection. However, the diagnostic kits comprising these antibodies are not taught in the copending application. An artisan of ordinary skill would have been motivated in applying the art disclosed by the prior art because these antibodies specifically bind to S.aureus CNA peptide and kits that contain the antibodies which recognize the S.aureus infection would help in diagnosing S.aureus infection conveniently and do not require trained technical support since it comes with instructions to use. Kits were well known in the art for testing or diagnosing varieties of diseases. Instructions are printed matter which have been long been held to distinguish a claimed structure over the prior art only where the printed matter functions in cooperation with the structure. Here there is no such functional cooperation between the printed instructions and the kit's structural components. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to keep the antibodies as disclosed by the prior art in the form of a compact kit since kits are easy to transport and convenient to work in places (economically under developed countries) with less facilities.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. The rejection of claims 1-14, 23, 26 and 29-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S.Patent 6,288,214 is maintained as set forth in the previous Office action.

Claims 1-14, 23, 26 and 29-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S.Patent 6,288,214. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims of the instant application and those of Patent are drawn to antibodies that bind to collagen binding protein and prevent S.aureus infection. The disclosed antibodies to SEQ.ID.NO: 6 of the Patent bind to amino acids 30-531 of the full length collagen binding protein, CNA and therefore it is obvious that these antibodies bind to CNA 19 peptide of the present application that contains amino acids 151-318 of the full length CNA protein and is within the collagen binding region. Further, the antibodies disclosed in the patent are monoclonal and polyclonal antibodies and are used as pharmaceutical composition to treat S.aureus infection. Therefore, the instant claims drawn to antibodies that bind to CNA 19 read on the prior art antibodies that bind to collagen binding region (amino acid 30-531) would also bind to a smaller CNA 19 (amino acids 151-318) peptide. The prior art teaches monoclonal and polyclonal antibodies to SEQ.ID.NO: 6 inhibit the bacterial adhesion to collagen and thereby preventing S.aureus infection. However, the prior art does not teach diagnostic kits comprising these antibodies.

An artisan of ordinary skill would have been motivated in applying the art disclosed by the prior art because these antibodies specifically bind to S.aureus CNA peptide and would be useful in diagnosing S.aureus infection. Kits containing these antibodies are convenient to work and do not require trained technical support since it comes with instructions to use. Kits were

well known in the art for testing or diagnosing varieties of diseases. Instructions are printed matter which have been long been held to distinguish a claimed structure over the prior art only where the printed matter functions in cooperation with the structure. Here there is no such functional cooperation between the printed instructions and the kit's structural components. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to keep the antibodies as disclosed by the prior art in the form of a compact kit since kits are easy to transport and convenient to work in places with less facilities.

6. The rejection of claims 1-14, 23, 26 and 29-30 under 35 U.S.C. 103(a) as being obvious over U.S.Patent 6,288,214 is maintained as set forth in the previous Office action.

Claims 1-14, 23, 26 and 29-30 are rejected under 35 U.S.C. 103(a) as being obvious over U.S.Patent 6,288,214. The applied reference has a common inventor (i.e., Hook.M) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).
The prior art teaches antibodies to SEQ.ID.NO: 6. These antibodies bind to amino acids 30-531 of the full length CNA protein and therefore it is obvious that these antibodies bind to CNA 19 peptide that contains amino acids 151-318 of the full length CNA protein and prevent S.aureus infection. Further, the antibodies taught by the prior art are monoclonal and polyclonal antibodies and are used as pharmaceutical composition to treat S.aureus infection. The prior art teaches monoclonal and polyclonal antibodies that bind to SEQ.ID.NO: 6, which inhibit the bacterial adhesion to collagen. The prior art monoclonal and polyclonal antibodies inhibit the bacterial adhesion to collagen, i.e., antibody capable of displacing S.aureus to collagen (see abstract, figures 5-7 and columns 15-19 and claims). Further the prior art teaches antibodies prevent S.aureus infection (i.e., antibody capable of displacing S.aureus to collagen, see figures 7- 8) and other related bacterial colonies (column 4, lines 45-50). Therefore, the disclosed antibodies are cross-reactive to S.epidermis. The prior art also teaches diagnostic kits comprising the antibodies (column 26). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the antibodies of the prior art because the antibodies disclosed specifically bind to collagen binding region (amino acids 30-531) would also bind to smaller CNA peptide that contains amino acids 151-318 and is within the collagen binding region. An artisan of ordinary skill would have been motivated to use the

antibodies disclosed because it would have helped in diagnosing and treating S.aureus or S.epidermis infections. The claimed invention is a prima facie obvious in view of Hook et al absent any convincing to the contrary.

These rejections are maintained for essentially the same reasons as the rejections of claims 1-14, 23, 26 and 29-30 under the same statutory provision, as set forth above in the last Office action. Applicants' arguments filed on 3/17/03, have been fully considered but they are not deemed to be persuasive.

Applicant asserts that:

A) the cited prior art neither discloses nor suggests the development of antibodies which specifically recognize the CNA -19 region as claimed and

B) no prior art antibodies exhibited the unexpected cross- reactivity of the antibodies to the CNA -19 region. Accordingly, these references would not anticipate or render the present claims obvious.

It is the position of the Examiner that:

A) the applicant has not provided any evidence that the cited prior art antibodies do not recognize the CNA –19 and

B) Antibodies that bind to amino acids 30-531 of the full length CNA protein would cross-react and bind to ~~CAN~~ CNA 19 region, 151-318. Applicant has shown no evidence that the prior art antibodies would not cross-react to CNA-19 region, 151-318. Further, there is nothing on the record to show that the cited prior art antibodies do not bind to other species of Staphylococcus. In the absence of evidence to the contrary, the prior art antibodies prevent S.aureus infection (i.e., antibody capable of displacing S.aureus to collagen, see figures 7- 8) and other related bacterial colonies (column 4, lines 45-50). Therefore, the above rejections are maintained.

7. The rejection of claims 1-14, 23, 26 and 29-30 under 35 U.S.C. 102(b) as being anticipated by Hook et al WO97/43314 20 November 1997 (20.11.1997) is maintained as set

forth in the previous Office action

Claims 1 -14, 23, 26 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hook et al WO97/43314 20 November 1997 (20.11.1997).
Hook et al., disclose the 19,000 M collagen-binding domain from *Staphylococcus aureus*, also known as CNA-19. The 19kda protein contains the 168 amino acid long segments, specifically amino acids 151-318 of the protein that has appreciable collagen binding activity (page 3). Hook et al., disclose the preparation of immunological compositions such as anti-collagen binding protein (CBP) antibodies for diagnostic and therapeutic methods relating to the detection and treatment of infections caused by *S. aureus* and related gram-positive species (page 16). The antibody compositions are disclosed which bind to site-specifically altered proteins, and specific native and synthetically mutated CBP with domain specific epitopes within the CBPs (page 16). The antibodies have been developed to inhibit collagen binding to CBP and S.aureus binding to extracellular matrix in both in vitro and in vivo (page 26 and claims). Hence the antibodies are capable of displacing S.aureus bound to an extracellular protein. The antibodies may be monoclonal, or polyclonal (page 26 and claims) and interact with collagen binding domain of a staphylococcal cna gene product (claim 1). Therefore, the antibodies could cross react with S.epidermis. The vaccine formulation are useful against streptococcal and staphylococcal infection (page 29). The therapeutic and diagnostic kits comprising CBP compositions include antibodies and labels (page 37-39). The administration of antibodies reactive with CBP to at-risk subjects will be effective for prophylaxis of and in the case of infected subjects for therapy of bacterial infections (page 17). Preferred animals to receive treatment include mammals and particularly humans (page 18). Also taught were immunoassays for detection in ELISA plates, dot blots and western analysis (page 20). Exemplary samples include clinical samples of blood and serum (page 21). Also taught are methods for inhibiting bacterial adhesion to collagen (page 22). Therefore, in the absence of evidence to the contrary the disclosed antibodies against CNA19 can perform the same functions as recited by the instant claims and thus anticipated the claimed invention.

This rejection is maintained for essentially the same reasons as the rejections of claims 1-14, 23, 26 and 29-30 under the same statutory provision, as set forth above in the last Office action. Applicants' arguments filed on 3/17/03, have been fully considered but they are not deemed to be persuasive.

Applicant asserts that the prior art antibodies are generated against collagen binding proteins, antibodies to M17 (151-297 amino acid sub region) M31 and M55 (region 30-529) and no antibodies were generated against region 151-318 amino acid although the region is identified.

It is the position of the examiner that the claims are drawn to an isolated antibody and the prior art antibodies would recognize the CNA- 19 because the prior art polyclonal antibody

interact with collagen binding domain of a Staphylococcal Protein that includes amino acids 151-318. The prior art identifies the region (151-318 amino acid) of collagen binding protein that has appreciable collagen binding activity and therefore, generation of another polyclonal antibody is not necessary since polyclonal antibodies to full length protein is readily available. Further, there is no evidence on the record that the prior art antibodies would not recognize the CNA -19 region. Therefore, this rejection is maintained.

8. The rejection of claims 1-14, 23, 26 and 29-30 under 35 U.S.C. 102(e) as being anticipated by Hook et al 2001 (U.S.Patent 6,288,214) is maintained as set forth in the previous Office action

Claims 1-14, 23, 26 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hook et al 2001 (U.S.Patent 6,288,214).

The disclosed antibodies to SEQ.ID.NO: 6 of the Patent (see claims) bind to amino acids 30-531 of the full length CNA protein. Therefore, these antibodies bind to CNA 19 peptide of the present application that contains amino acids 151-318 of the full length CNA protein and prevent S.aureus infection. Further, the antibodies disclosed in the patent are monoclonal and polyclonal antibodies and are used as pharmaceutical composition to treat S.aureus infection (see abstract, figures 5-7 and columns 15-19). Further the prior art discloses antibodies that prevent S.aureus infection (i.e., antibody capable of displacing S.aureus to collagen, see figures 7- 8) and other related bacterial colonies (column 4, lines 45-50). Therefore, the disclosed antibodies are cross-reactive to S.epidermis. The prior art also discloses diagnostic kits comprising the antibodies (column 26).

This rejection is maintained for essentially the same reasons as the rejections of claims 1-14, 23, 26 and 29-30 under the same statutory provision, as set forth above in the last Office action. Applicants' arguments filed on 3/17/03, have been fully considered but they are not deemed to be persuasive.

Applicant states that :

A) the examiner's rejection appears to be based on the assumption that a lesser included region will generate the same antibodies as will be generated by a larger region which

includes the lesser region antibodies generated to larger region 30-531 of the full length CNA protein

B) There can be significant differences between antibodies generated to a lesser region than larger regions, typically caused by the inclusion of specific epitopes, which can significantly change the properties of the resulting antibody.

It is the examiners position that :

A) the claims are drawn to an isolated antibody that recognizes CNA-19 region. The prior art polyclonal antibodies to 30-531 amino acid would recognize the region CNA -19, because a subset of polyclonal antibodies would bind to the claimed CN A-19 region and thus contain the disclosed antibody.

B) There is no evidence on the record that the claimed antibody is significantly different than the disclosed antibodies. Therefore, this rejection is maintained.

9. The rejection of claims 1, 3, 5, 7, 9, 10-12, 14, 23 and 26 under 35 U.S.C. 102(b) as being anticipated by Patti et al (Journal of Biological Chemistry. May 1995, Vol, 270. No 20, pages 12005-12011) is maintained as set forth in the previous office action.

Claims 1, 3, 5, 7, 9, 10-12, 14, 23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Patti et al (Journal of Biological Chemistry. May 1995, Vol, 270. No 20, pages 12005-12011).

Patti et al disclose polyclonal antibodies raised against collagen binding MSCRAMMs. The polyclonal antibodies bind to CNA peptides (figure 1) and have been shown to inhibit collagen binding of S.aureus (figures 2 and 3). Since these antibodies inhibit the binding of S.aureus, these antibodies are capable of displacing S.aureus bound to collagen (pages 12007-12010). Antibodies suitable for administration of parenteral, oral etc for treating and preventing S. aureus are considered as intended use of these antibodies. . A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to an intended use must result in a manipulative difference as compared to the prior art. See In re Casey; 152 USPQ 235 (CCPA1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963). Thus the prior art anticipates the claimed invention. . In the absence of evidence to the contrary the disclosed prior art antibodies and the claimed antibodies are same. Since the

Office does not have the facilities for examining and comparing applicants' antibodies and with the antibodies of the prior art, the burden is on applicant to show a novel or unobvious difference between the claimed product and the product of the prior art. See In re Best, 562 F.2d 1252, 195 USPQ 430 (CCPA 1977) and In re Fitzgerald et al., 205 USPQ 594.

This rejection is maintained for essentially the same reasons as the rejections of claims under the same statutory provision, as set forth above in the last Office action. Applicants' arguments filed on 3/17/03, have been fully considered but they are not deemed to be persuasive.

Applicant states that :

A) the prior art antibodies are to region 151-297 and

B) the antibodies are not cross-reactive against S.aureus and S.epidermidis.

It is the position of the examiner that :

A) the prior art antibodies are polyclonal antibodies raised against collagen binding MSCRAMMs and a subset of these antibodies in the art would bind to claimed CN A-19 region and thus contain the disclosed antibody

B) Please note that the examiner has not rejected claim 2 that is drawn to an antibody cross reactive to both S.aureus and S.epidermidis. Therefore, this rejection is maintained.

12. The rejection of claims 1, 3, 5, 7-12, 14, 23, 26 under 35 U.S.C. 102(b) as being anticipated by Patti et al (Journal of Biological Chemistry. May 1992, Vol, 267. No 7, pages 4764-4772) is maintained as set forth in the previous office action.

Claims 1, 3, 5, 7-12, 14, 23, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Patti et al (Journal of Biological Chemistry. May 1992, Vol, 267. No 7, pages 4764-4772).

Patti et al disclose monospecific (page 4766, right column 2nd paragraph) and polyclonal antibodies (see figure 4 legend) raised against native collagen from S.aureus (page 4766, right column 2nd paragraph). These anti-receptor antibodies bind to collagen (figure 7) and have been shown to inhibit collagen binding of S.aureus (figures 6). Since these antibodies inhibit the

binding of S.aureus, these antibodies are capable of displacing S.aureus bound to collagen. Antibodies suitable for administration of parenteral, oral etc for treating and preventing S. aureus are considered as intended use of these antibodies. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to an intended use must result in a manipulative difference as compared to the prior art. See In re Casey; 152 USPQ 235 (CCPA1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963). Thus the prior art anticipates the claimed invention. In the absence of evidence to the contrary the disclosed prior art antibodies and the claimed antibodies are same. Since the Office does not have the facilities for examining and comparing applicants' antibodies and with the antibodies of the prior art, the burden is on applicant to show a novel or unobvious difference between the claimed product and the product of the prior art. See In re Best, 562 F.2d 1252, 195 USPQ 430 (CCPA 1977) and In re Fitzgerald et al., 205 USPQ 594.
13.

These rejections are maintained for essentially the same reasons as the rejections of claims under the same statutory provision, as set forth above in the last Office action.

Applicants' arguments filed on 3/17/03, have been fully considered but they are not deemed to be persuasive.

Applicant states that :

A) the antibodies disclosed in the prior art are to the entire protein and not to the particular region therefore, are not same as the claimed antibody and

B) the antibodies are cross-reactive across different Staphylococcal bacteria.

It is the position of the examiner that :

A) the prior art antibodies are polyclonal antibodies raised against collagen binding native protein and therefore a subset of antibodies in the art would bind to claimed CN A-19 region and thus contain the disclosed antibody. There is nothing on the record to show that the claimed antibody has significant properties than the disclosed antibodies and

B) the examiner has not rejected claims 2, 4, 6 and 25 that are drawn to an antibody cross-reactive to both S.aureus and S.epidermidis. Therefore, this rejection is maintained.

Status of Claims

13. No claims are allowed.

Conclusion

14. This application contains claims 15-22, 24-25 and 27-28 drawn to an invention nonelected with traverse in Paper No # 11 A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padma Baskar whose telephone number is (703) 308-8886. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4 PM EST

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Padma Baskar Ph.D.

7/16/03

LYNETTE R. F. SMITH
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